

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

ORDER

UNITED STATES CURRENCY IN THE SUM OF
ONE HUNDRED NINETEEN THOUSAND ONE
HUNDRED AND SIXTY-FOUR DOLLARS
(\$119,164.00), MORE OR LESS, AND ALL
PROCEEDS TRACEABLE THERETO,

CV 03-6317 (NGG) (MDG)

Defendant.

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GO, United States Magistrate Judge:

This order further addresses the requests of pro se Ibrahima Diallo and pro se Hady Dia for leave to file late claims in this civil forfeiture action.

By letter dated November 4, 2004, Ibrahima Diallo claimed that on February 15, 2003, he gave \$2,700 to Houry Diallo to transport to his wife in Guinea. By undated letter, received by chambers on November 15, 2004, Hady Dia claimed that on February 19, 2003, he gave \$2,300 to Houry Diallo. By Order dated April 7, 2005, this Court discussed the applicable law and, treating the two letters as applications for leave to file a late claim, directed Diallo and Dia to submit by April 29, 2005 written explanations for their delay in submitting claims and setting forth the basis for their claims. Ct. doc. 24. The Court did not receive any further submissions from either Diallo or Dia.

Since neither prospective claimant has offered any

explanation for their delays, Diallo and Dia have failed to establish that their failure to file a timely claim in this action was due to "excusable neglect." Moreover, Diallo and Dia have not submitted any persuasive evidence that they have a valid claim to a portion of the defendant funds. Therefore, Ibrahima Diallo's and Hady Dia's requests for leave to file a late claim are denied.

Diallo and Dia are advised that they have a right to seek review of this order by filing objections addressed to the Honorable Nicholas G. Garaufis, U.S. District Judge. Any objections to this Order must be filed with the Clerk of the Court, with a copy to the undersigned, by July 29, 2005. Failure to file objections within the specified time waives the right to appeal. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(a).

SO ORDERED.

Dated: Brooklyn, New York
July 12, 2005

/s/
MARILYN D. GO
U.S. MAGISTRATE JUDGE